

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )  
 )  
 v. ) Cr. No. 09-10166-MLW  
 )  
 SALVATORE F. DIMASI, )  
 JOSEPH P. LALLY, JR., )  
 RICHARD W. MCDONOUGH, )  
 and RICHARD D. VITALE, )  
 Defendants. )

ORDER

WOLF, D.J.

June 25, 2010

On June 24, 2010, the Supreme Court decided a series of cases concerning honest services fraud under 18 U.S.C. §§1341, 1343, and 1346 which affect the defendants' pending motions to dismiss such charges in this case. See Skilling v. United States, No. 08-1394, 2010 WL 2518587 (U.S. June 24, 2010); Weyhrauch v. United States, No. 08-1196, 2010 WL 2518696 (U.S. June 24, 2010) (per curiam); Black v. United States, No. 08-876, 2010 WL 2518593 (U.S. June 24, 2010).

Accordingly, it is hereby ORDERED that the parties confer and:

1. Defendants, by July 30, 2010, either withdraw the pending motions to dismiss or file renewed motions with supporting memoranda which, among other things, address the implications of the foregoing decisions for this case.
2. If the motions to dismiss are renewed, the government shall respond to them by August 30, 2010.
3. Any replies shall be filed by September 24, 2010.

/s/ MARK L. WOLF  
UNITED STATES DISTRICT JUDGE

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Pending Counts  
18:371 - CONSPIRACY TO DEFRAUD  
THE UNITED STATES (1)  
18:371 Conspiracy (1s)  
18:1341, 1346 Honest Services Mail  
Fraud AND 18:2 Aiding and Abetting (2-4)  
18:1341, 1346, 2 Honest Services Mail  
Fraud AND Aiding and Abetting (2s-4s)  
18:1343, 1346 Honest Services Wire  
Fraud AND 18:2 Aiding and Abetting (5-8)  
18:1343, 1346, 3 Honest Services Wire  
Fraud AND Aiding and Abetting (5s-8s)  
18:1951 Extortion Under Color of Official  
Right (9s)  
Highest Offense Level (Opening)  
Felony  
Terminated Counts  
None  
Highest Offense Level (Terminated)  
None  
Complaints  
None

Disposition

Disposition

Assigned to: Chief Judge Mark L. Wolf  
Defendant (2)  
Joseph P. Lally, Jr.

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Pending Counts  
18:371 - CONSPIRACY TO DEFRAUD  
THE UNITED STATES (1)  
18:371 Conspiracy (1s)  
18:1341, 1346 Honest Services Mail  
Fraud AND 18:2 Aiding and Abetting (2-4)  
18:1341, 1346, 2 Honest Services Mail  
Fraud AND Aiding and Abetting (2s-4s)  
18:1343, 1346 Honest Services Wire  
Fraud AND 18:2 Aiding and Abetting (5-8)

Disposition

18:1343, 1346, 2 Honest Services Wire  
Fraud AND Aiding and Abetting (5s-8s)  
18:1957 Money Laundering (9)  
18:1957 Money Laundering (10s)  
Highest Offense Level (Opening)

Felony  
Terminated Counts

Disposition

None  
Highest Offense Level (Terminated)

None  
Complaints

Disposition

None

Assigned to: Chief Judge Mark L. Wolf  
Defendant (3)

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Disposition

Pending Counts  
18:371 - CONSPIRACY TO DEFRAUD  
THE UNITED STATES (1)  
18:371 Conspiracy (1s)  
18:1341, 1346 Honest Services Mail  
Fraud AND 18:2 Aiding and Abetting (2-4)  
18:1341, 1346, 2 Honest Services Mail  
Fraud AND Aiding and Abetting (2s-4s)  
18:1343, 1346 Honest Services Wire  
Fraud AND 18:2 Aiding and Abetting (5-8)  
18:1343, 1346, 2 Honest Services Wire  
Fraud AND Aiding and Abetting (5s-8s)  
Highest Offense Level (Opening)

Felony  
Terminated Counts

Disposition

None  
Highest Offense Level (Terminated)

None  
Complaints

Disposition

None

Assigned to: Chief Judge Mark L. Wolf  
Defendant (4)

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Disposition

Pending Counts  
18:371 - CONSPIRACY TO DEFRAUD

THE UNITED STATES (1)

18:371 Conspiracy (1s)

18:1341, 1346 Honest Services Mail

Fraud AND 18:2 Aiding and Abetting (2-4)

18:1341, 1346, 2 Honest Services Mail

Fraud AND Aiding and Abetting (2s-4s)

18:1343, 1346 Honest Services Wire

Fraud AND 18:2 Aiding and Abetting (5-8)

18:1343, 1346, 2 Honest Services Wire

Fraud AND Aiding and Abetting (5s-8s)

Highest Offense Level (Opening)

Felony

Terminated Counts

Disposition

None

Highest Offense Level (Terminated)

None

Complaints

Disposition

None

Interested Party

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Commonwealth of Massachusetts

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